

E 510

.B19

Copy 1



E  
510  
B19





Class E 510

Book .B 19

*Subscribed to 5th August 1865*  
*The National Convention at Baltimore*  
*1850-1851*

LETTER FROM MAJOR GEN. N. P. BANKS.

---

*Hon. JAMES H. LANE, Senator of Kansas:*

SIR—The earnest and generous support that you voluntarily and unexpectedly rendered the representatives of Louisiana in the National Convention at Baltimore, gave to her loyal people unalloyed satisfaction. Whenever opportunity offers it will be acknowledged by them with gratitude.

I recall, with pleasure, our personal and political association as members of the 33d Congress, when we sustained, at the opening of the revolution, as now, at its close, the same general principles of public policy.

You have passed the fiery ordeal involved in the organization of civil government amid the contests of civil war, and in the presence of revolution, and know the perils as well as the difficulties of this duty. Such considerations lead me to ask your attention to some thoughts connected with public matters in this State affecting its relations with the Government and people. My official connection with the military and civil affairs of the State, for nearly two years, will, I trust, be a sufficient apology for this course.

Let me assure you that your faith in the people, without which public service is impotent for good, has not been, in this instance, misplaced. The loyal people of Louisiana merit, in an eminent degree, the generous confidence and support of the Government and people of the United States.

Until recently I have not had an opportunity to examine the bill<sup>s</sup> passed at the late session of Congress, providing for the reconstruction of Government in rebel States.

The proclamation of the President, and the protest of the Hon. Messrs. Wade and Davis relating to this measure, attracted general attention here. It was not generally understood how far, or in what respect the course of public events in Louisiana was in conflict with the plan proposed by Congress.

It was perfectly apparent from the character of the protest, that its authors but imperfectly understood the condition of things, and that their informant, whoever he may have been, or from whatever source he may have received his information, had misled them. What influence this may have had upon the President or the people it is not in my power, nor within my province to determine. But whatever impression has been made will be eradicated, I am certain, by a knowledge of the facts.

The traditions of Congress, as well as my personal connection with its history, lead me to regard with the highest respect its opinions, and to render to its legislation the most unreserved and loyal obedience and support. I am sure that the people here entertain the same patriotic sentiment. Nothing further from their purpose or desire

*E 13-7*



can be imagined than the idea that they would encourage or avail themselves of a temporary difference of opinion between the Executive and Legislative branches of the Government, to foster their interests or establish their power. In this feeling, which I know to be honest and general, I concur to the fullest extent.

No attention was given to the provisions of the bill for reconstruction of government in seceding States, and but little interest was manifested in legislation on that subject, because it was known that no law would be enacted by any Congress not wedded to the principles of secession, or not inflexibly opposed to the return of erring States to the Union, to which Louisiana could not and would not instantly and gladly assent.

The proclamation of the President and the protest of the honorable chairmen of the committees of the Senate and House of Representatives respectively on that subject, were received and read with astonishment.

It was supposed, from the intensity of the discussion and the asperity of the allusions to the State of Louisiana, that some new and important views, deemed by Congress indispensable to the reconstruction of the Union, had been intentionally disregarded.

You will imagine my surprise when I found, upon an attentive perusal of the bill, that here, at least, every material provision had been anticipated, every substantial guarantee had been recognized and established. If the measure had been an approving and critical review of constitutional proceedings here, it would require no material change in legislation on the one hand, or of the constitutional reconstruction on the other, to harmonize the proposition with the result. I felt assured that the doubts of the President, the members of Congress and the people, will be in a great degree removed by a correct report of the actual situation.

There are many subjects embodied in the protest, to which I need not refer, interesting to the people of Louisiana as well as to other citizens of the United States.

The right of the President to withhold his approval of measures initiated by Congress, needs no assertion. It has been too often exercised and too strongly and boldly vindicated by the Executive and the people to make it necessary to volunteer a word in its defence. And yet it is a subject that cannot be too much or too carefully considered, because it involves the perfection of our Government in theory, and its success in practice. The Government carefully represents in its different branches all the material elements of public power.

The House represents local popular opinion, modified or controlled by local prejudices, passions, interests. The sudden neighborhood pulsations, whether excited by social, moral or political ideas, affect the representative tone, through the frequency of elections, in proportion to their intensity or extent. The Senate represents public opinion through the agency of States. The president is the sole direct representative of the whole people. An intermediate constitutional barrier, intended probably to separate somewhat the President from the people, in the form of electors, has been abandoned, except in form, by universal consent. The honest sentiment of the vicinage deemed so important by Saxon legislators, of corporate or aristocratic interests, and of pure, undefiled democracy, are thus fully represented. The union of these diverse political elements give peace, prosperity and power to the American people. The dissent of one defers, but does not defeat any measure. We sometimes have too much legislation, rarely too little. We lose nothing by delay where ultimate harmony is possible. "*Le monde il est pour la phlegmatique*," is a maxim of wisdom. The universe is the patrimony of patient men.

Neither do I see substantial cause of alarm in the suggestion of the President, that he will follow, in part, the opinions of Congress, expressed in a measure which, failing to receive his approval, does not become a law. The President has civil and military functions. He is invested with constitutional powers, pertinent to the conditions of

peace and war. No declaration of war can be made without consent of Congress, but once waged by its order, it cannot restrict the powers of the President as commander-in-chief.

The recognition of any of these powers in a bill of *quasi* civil nature, does not confer them, nor if it fails, does it defeat them. In one case he exercises a recognized power; in the other, it is a reversion consequent upon the military situation. The initiation of measures has been regarded as an affair of insignificant import throughout our constitutional history, where the concurrent right of assent or dissent to the legislation which give them constitutional and permanent validity, is unimpaired. No material power is conferred upon the President by the bill which he does not derive from the nature of his office and the necessities of the country. Why, then, charge him "with grave executive usurpation" in the contemplated exercise of power which was recognized but not conferred by the measure in question.

It is a matter of grateful reflection to us, however, that the discussion has no relation to the affairs of Louisiana. Whether the legislation of Congress or the instructions of the President as commander-in chief, or both together, are to be law, is immaterial to her. She has answered the substantial requisitions of either and both. She has done much more than has been demanded, and nothing material has been omitted. Her standard has been higher and purer than that of Congress or the Executive, because she alone has been conscious of the extent of her capacity, which is the measure of her action, but not of her loyal and patriotic aspirations. Mark how completely her action corresponds to the requisitions of Congress !

The white male citizens as described in the bill, were enrolled for military service to the number of ——— thousand in the most populous parishes, preparatory to draft in 1863. Measures have been taken to renew and complete the enrollment in all parishes.

Every person enrolled who has taken the oath, has been invited to participate in the election of delegates to a Constitutional Convention.

Nine thousand nine hundred and fourteen loyal voters have been registered under the iron-clad oath in the Parish of Orleans alone, and there are from 15,000 to 18,000 voters registered in the State as subscribers to the same oath on the parish poll books.

Delegates to the Convention were apportioned to "the white male population," not of enrolled electors merely, but of the whole State; and the number fixed as prescribed by the Constitution and laws of the State, "applicable to legislative assemblies."

Thirty days' notice was given of elections.

Commissioners of Election have been appointed "according to the laws and usage of the State."

The delegates were chosen by "white male citizens of the United States," 21 years of age, who had "the qualifications required by law."

Soldiers who had enlisted in the army from this State were permitted to vote at the polls opened at their respective commands by regularly appointed commissioners of election, not by officers, where it was impossible for them to vote in established legal precincts.

So far as it is known, no person who has held office under the Confederate Government, or who has borne arms against the United States, has participated in these elections.

The oath of allegiance prescribed by the act of Congress of 1862, or the "iron clad" oath of the President's proclamation of December 8, 1863, have been administered to every voter. In most cases both have been administered.

The poll books at all elective precincts, have been or will be deposited with the Provisional Governor of the State.

The Constitution declares the abolition of slavery, prohibits involuntary servitude except for crime, and interdicts forever the recognition of property in man. It makes all men equal before the law. It declares that no liability, either State, parochial or municipal shall exist for any debt contracted for on the interest of the rebels against the Government of the United States.

The only provision of the bill not embodied in the Constitution is that which denies the elective franchise to men who have borne arms against the United States. The Convention would have readily adopted this provision; but, although the State under the Constitution establishes the conditions of suffrage even for members of Congress, it was impracticable for Louisiana to overthrow the policy of the General Government in this respect. The principal officer of the Treasury in New Orleans held a commission in the rebel army, and the quartermaster and the chiefs of other department's have been ordered to employ in public service deserters from the enemy. A State cannot well deny the right of suffrage to high and permanent civil officers of the Government. The general policy on this subject ought to be established by the Government, without regard to the action of separate States. It is a question incident to peace and war.

Thus all the substantive, material conditions of the bill passed by the two Houses of Congress have been anticipated and answered in the elections held in Louisiana. So far as the people are concerned nothing has been omitted, required by Congress, material to the purity of elections, the loyalty of the people, or the dignity of the Government they have organized. In many respects, the results of the popular action have been of a higher character, and have given guaranties of security far beyond those required by Congress. As, for instance, the Provisional Governor authorized by the bill to be appointed by the President, has not only been designated and commissioned by him, but has also received the formal approval of the people expressed at a regular election by a large majority of loyal voters.

There are other considerations not appertaining to the government of the State, but relative to the Government of the United States not unworthy consideration, and which may or may not be applied to Louisiana when she asks recognition as one of the States of the Union.

The bill provides that upon the adoption of a Constitution, it shall be transmitted to the President of the United States, and after it has received the assent of Congress, an election of Representatives and Senators may be ordered. This is a question of time, not of principle, and is, therefore, immaterial, except as a form of proceeding. But the doctrine asserted, is one of vital consequence to the people and Government.

The creation or admission of a State requires: 1st, the consent of the people of the State proposed formally expressed; 2d, that to the Executive department; 3d, of the Senate; and 4th, of the House of Representatives. No State can be created or admitted to the Union without the independent consent of each one of these branches of government. By the Constitution, the consent of each must be independent of the action of others. Thus, to constitute a State, the people must consent to perform certain duties incumbent upon citizens of the United States, and to recognize the Constitution and laws made in pursuance thereof. The President must appoint, subject to certain conditions, Federal officers to administer the laws, and enforce the rights of the Central Government within that State. The Senate of the United States has the right by the Constitution, independent of all other powers of the Government, to decide whether it will or will not receive representatives of the State as members of the Senate. The House of Representatives, by the same high authority, has the same high privilege. The wisdom of the framers of the Constitution is seen more clearly in this than in any other provision which it contains. It shows a Union founded upon



such general concurrence as to make it impossible that it shall be severed ; and the strongest argument against secession, for the suppression of which the armies of the United States are now contending, is found in the fact that the Union formed by the consent of the people, the Executive and Representative departments of the Federal Government, cannot be sundered except by the separate and absolute consent of each one of these parties. It is a right which the Constitution gives to each, and of which they can never be deprived. Neither party can under any circumstances surrender or impair the power which is conferred upon it by the Constitution.

It is true that Congress has often passed laws instructing the people of a Territory as to the measures proper for the initiation of a government, but it has no power to compel their acceptance. It may, by coercive measures, destroy and replace such people, but it must still leave them the right of assent or dissent to such measures. This is a question of great magnitude, which must be met at a day not distant.

To surrender this on the part of any one of these parties would be an act of unavailing imbecile character, deserving the reprobation of Government and people. Inasmuch as those powers cannot be disregarded, impaired or surrendered, it is equally clear that they cannot be delegated : that no exterior influence or power can be acknowledged which assumes to control any one of these separate and independent branches of the Government in the exercise of the functions conferred upon it by the Constitution. Any act of Congress, therefore, which undertakes to declare in what manner the people of a State shall apply ; in what form, or whether or not the President shall receive and assent to the application of the State, whether the Senate shall receive or reject, or the House of Representatives admit or exclude persons claiming representative power in the Government, is an invasion of the Constitutional rights of these independent, separate powers, which can never be justified or defended.

It is impossible that the views expressed by Congress should be received otherwise than with the most profound respect, especially by the officers of the various Executive and Judicial Departments of the Government, so far as they may be consistent with the rights, opinions, interests and liberties of the people or the constitutional powers of the Government. Wherever they are known they will be recognized and obeyed as law. The people often bow to that which is not law because it ought to be law. This is Divine Wisdom. The very existences of our Government depends upon the recognition of the paramount respect due to the recommendations of the different departments of the Government. But to assert that Congress has the power, with or without the consent of the President, to pass an act which shall strip these co-ordinate branches of the independent powers conferred upon them by the Constitution, and which would be fatal to the independence or the perpetuity of the Government itself, is an error so glaring, and so pregnant with permanent public injury that it is impossible to believe it would receive the countenance or support of any considerable portion of the people.

This must be the case even where a Congress passes an act with a view to the momentary limitation of its own powers simply. How much greater force must it have—how much more ponderous the objection—when it is incident and applied to an act of Congress, intended to restrict and limit the irrevocable constitutional power of its successors, or the co-ordinate branches of the Government. Nothing is more true, nothing connected with the interests of the Government more important than that Congress in the creation or admission of States cannot bind its successors. It can neither surrender nor assume powers. The very instant that the Senate or the House concurs in a measure of limitation, restriction or surrender, the successor of each member will not only be entirely free to disregard the obligation imposed by the statute, but the very members voting for it, will be at liberty instantaneously to dis-

regard its provisions, or assert the opposite of its doctrines. Any legislation of this character must be momentary changing. It cannot be permanent. The concurrence of the President would not change its character. It is not in human power without the organic law to give to such a measure, in a parliamentary sense, the dignity and authority of 'an act.' It is an opinion of high and paramount import, but not "an act." If it had been invested with the forms of law by the approval of the President, the instant a State applies for admission, or claimants for representative honors stand at the bar of Senate or House, each body will be absolved from any obligation imposed by the law and compelled by the oaths of its members to follow the Constitution, which makes each House the exclusive and independent judge of the qualification of its own members.

Let the boundaries of power be preserved ! The rights of persons, the peace of neighborhoods, the permanency of governments—all that Saxon civilization identifies with equality, justice and honor depends upon the observance of metes and bounds, the religious preservation of the monuments of the progress of nations. Words of purer wisdom never fell from executive lips than those contained in the declaration that the President is unwilling to be "inflexibly committed to any single plan of restoration." That guarantees absolute and certain for the peace of the country and the liberty of all its people; that indemnity for the past and security for the future should be demanded, is wise and just. Such demand ought never to be waived ; but the time, the method, the agents, the circumstances, that may attend the great consummation ; the localities where action should be hastened and where it should be repressed, are topics which may wisely be left to the peculiar atmosphere of States, the softening effects of time, the necessities of the people, the potent influence of the recreated Union and the beneficent and healing power of the providence of God. It is the supererogation of wisdom to confound the material with the immaterial—to stake the success of that which is vital and necessary upon the chances attending that which is unreal and transitory.

#### POPULATION AND VOTERS.

The statement made that Louisiana does not control half the population or half the territory of the State, is very far from the truth. That a large portion of the State is not occupied by the Government is correct; but it is equally true that a large portion is occupied by nobody else. A material part of the territory is to this day unoccupied either by the Union or rebel forces. But it is unjust to say that, with the exception of a small and distant portion of the State, it is beyond the control of the Government. Occupation and control are essentially different things. Occupation is the work of the people ; control is the work of the army.

If it be an assertion, intended for history as well as legislation, that the loyal people of Louisiana are incapable of maintaining their authority throughout the State or against the forces of the enemy, secret or public, within her lines, it should be met by stern and unqualified denial.

Nearly ten thousand white troops and fifteen thousand colored soldiers have been enlisted here in the armies of the Union. They are among the best men of the service. Every battle-field, from the Rio Grande to Port Hudson and Florida, has been honored by their valor, and hallowed by their blood. Against domestic foes Louisiana is able, unaided, to vindicate her rights throughout her territory. Against the concentrated armies of other States, she requires, as others do, the support of her loyal sister States.

It is not territory, however, but the people, that constitute a State. It would be impossible to commit a greater error than to assume, as do the authors of this address,

that the "eleven parishes we substantially held," at the late elections, "had 233,185 inhabitants, and the residue of the State, not held by us, had 575,617." It is incredible that such an assumption should be made, of that even "the gentleman entitled to entire confidence," who has given so much information in relation to the affairs of Louisiana, should have supposed the population to be the same as that existing at the opening of the war. Yet this extraordinary error appears in the quotation cited above. The inevitable result of war is the destruction of population. None that the world ever witnessed has been more prolific of blood than this in which we are now engaged. Prussia lost in her seven years war ten per cent of her entire population, counting the casualties of war alone. This is true of a population which remained in the kingdom when it did not find bloody graves in battle. The destruction of life in our armies, North and South, is already greater than that of Prussia. The Southern States, in addition to the decimations of battle, have sustained equal or greater losses by exile or removal. The Secretary of State for the rebel Government, stated in the presence of Mr. Davis, President of the Confederacy, in reference to the losses already sustained, that "they had *four* millions of people left."

No State has suffered greater losses in population than Louisiana. From forty-two to forty-five thousand able-bodied men have enlisted in the rebel army, the remnant of which is in other States. As many negroes accompanied the army, or fled with their owners, to surrounding States or to Europe. Death in every form has been busy with her people. Of 331,726 slaves in 1860, nearly one-quarter have died or left the State. The mortality of the black population in the commencement of the struggle until furnished with employment and comfortable homes, was frightful. It is doubtful if any people in any age ever sustained such losses from such causes. Including enlistments, deaths, exile and removal to other Southern States, to the North and to Europe, the reduction of the white population is nearly equal to the loss among the blacks. Of 808,000 whites and blacks in 1860, there are now not more than 451,000 within the State, two-thirds of whom are within the lines of our army. Almost the entire negro population, not only of Northern Louisiana, but of the surrounding States, and numerous white families, have taken refuge here. The population of New Orleans, from this cause, is larger now than ever before, while many other parishes have been nearly depopulated. A gentleman twenty years a citizen of Louisiana, writes me under date of the 13th instant, that of twelve hundred voters—the largest number ever voting in his parish—ten full companies had been sent into the rebel army from that parish, and that every other able-bodied man of the parish was either in the Union army, a refugee, or resident within the Union lines. "I recently travelled through Catahoula," he says, "and found it almost depopulated." This will account for the paucity of our vote. "Incredible as it may appear, I doubt if an election could have been held in the usual manner it could have given a larger vote." Other parishes in that part of the State have suffered equal loss. The most perfidious revolt, the most causeless war of human history, has thus already been followed by unparalleled retribution! How unjust to the people, how unwise in legislation, how ineffably base, in the impostor, whoever he may be, to represent or assume that the population of these parishes is that of 1860!

Is it possible, in the presence of such facts, with the terrible results of nearly four years war before your eyes, that it can be asserted as a condition of the reconstruction of State governments, that the population of the State remains, and must be estimated, as before the war? Or that parishes which have been overrun six times by the Union and rebel armies within a year and a half, are to be estimated upon the census of 1860? What is the present population of Northern Virginia? Let those answer



who have witnessed the devastation of the Rappahannock and Shenandoah Valleys, or the mountain regions of the Upper Potomac !

Considering the drain of able-bodied men by the army, most of whom were politicians, and the large number of Creoles who never claimed citizenship, though natives of the soil, it is probable that the number qualified to vote by the laws of the State, all told, is not over 25,000.

Of these, from fifteen to seventeen thousand are registered loyal voters within the lines of the army, all of whom have taken the iron-clad oath, many of them in addition to the oath prescribed by the act of Congress ! Nine thousand nine hundred and fourteen loyal voters are registered, with name and residence, in the Parish of Orleans alone.

The highest vote in New Orleans, in ten years, with the gigantic frauds of which there is record proof, was 9498, and the average vote in the same period numbers 7565. Between eleven and twelve thousand citizens voted at the election of the 22d of February, and over nine thousand on the ratification of the constitution, which received a majority of 5379 votes. Probably ten thousand different men voted at this election, which, except in two districts, was without contest !

The vote of the 22d of February was 11,400. The vote for Governor in the same parishes now within our lines has ranged for the last ten years from fifteen to sixteen thousand. In 1863 it was 15,760. In 1859 it was 16,143. In 1860, when the tocsin of revolution and civil war was heard throughout the land, the aggregate vote for Lincoln, Douglas, Bell and Breckinridge, was but 21,000.

These parishes have suffered in population from the war, with others ; and yet, as I have said, from 15,000 to 17,000 voters are now registered, and 11,400 have been polled in the organization of the State Government. Extraordinary circumstances only have prevented the full number being given.

The organization of the Government has been opposed by a powerful party in the North. The General Government advised but did not assist in this work. Military men as a general rule rely more upon force for success than upon administration.

High civil officers have been openly hostile. An educated loyal man in civil office informed me that he was not a liberty to vote nor to attend meetings in favor of the Constitution. It was reported, and by many believed, that every man who registered and voted would be drafted for military service. It was said that the State would not be recognized. There was no real contest at the polls to draw men out. Opponents thought to discredit the Constitution by absenting themselves from the polls, and the men who should have opposed the measures here, falsified the facts by misrepresentations to the people of the North. Several of the parishes were threatened with invasion by the enemy. The last election occurred in the usual month of fever, when many were absent. Such causes diminished in a material degree the aggregate vote. Men are proverbially timid and irresolute amid revolutions, and the organization of government here called for more than ordinary courage, devotion and loyalty. But the number is more than equal half the largest vote ever given in the same parishes ; it is two-thirds of the ordinary vote in ten years past ; and the register numbers more than three-quarters the greatest vote ever polled in the most excited elections ever held. It is an intelligent and honest vote ! The more it is investigated the brighter it will appear. The Constitution created is an honor to the age in which it is given to the world.

No "generals, provost marshals, or camp followers," have ever been "chief actors" in any election, or "assisted by a handful of citizens," or "urged on by private letters from the President," have participated in these elections !

At every election precinct, loyal citizens, sworn to perform their duties according



to the laws of the State, have been appointed to preside at elections by civil officers, never by officers of the army. No State has so carefully guarded the law by which elections are governed.

No provost marshal has been authorized to take any part in an election, except where commissioners, properly appointed, have failed by accident to discharge their duties. No general or other officer, has done more in any election, than to return to my headquarters, for transmission to the President, the list of soldiers claiming the right to vote as citizens of this State. No election has ever been held less influenced by improper authority, civil or military, or less vitiated by fraud, than the elections of this year in Louisiana. If the Constitution, the Senators, and Representatives, be received by Congress, that august body will never know a more honest and just representation of the people of a loyal State !

In connection with the fact which I affirm, that more than one half of the entire voting population of the State within and beyond the lines, are registered, loyal voters, qualified upon the "iron-clad" oath to participate in elections, it is my duty to say that the apportionment of political power in the election of delegates, and in the proceedings of the Constitutional Convention, manifests a still higher and nobler regard for the rights of the people. Instead of assuming as its basis the white male population of the present day, deducting the losses sustained by the slaughter and exile of nearly four years sanguinary war, as required by the bill recently approved by Congress, the people accepted as a basis of representation the population of 1860, numbering 708,000, instead of 451,000. They assumed that every election district was invested with the right to vote, was duly represented, and provided by the rules of the Convention, that every proposition, of whatever character, affecting the privileges of members or the rights of the people, should receive a *majority* of all the votes that would be cast if the entire population of 1860 were represented in that Convention. It declared that a quorum for the transaction of business should be an actual majority of all the delegates from every election precinct in the State, assuming that every soul and every district was represented according to the population of 1860. This rule was made when the opinions of members of the Convention, on any subject, were unknown.

Two-thirds of the white population, and two-thirds of the entire voting population of the State were permanently represented in the Convention.

Neither constitutional nor parliamentary history presents a parallel instance of unanimous abnegation of power or of exalted respect for minorities !

And what was the result of their labors ?

In a State which held 331,726 slaves, one-half of its entire population in 1860, more than three-quarters of whom had been specially excepted from the operation of the Proclamation of Emancipation, and were still held *de jure* in bondage, the Convention declared by a majority of all the votes to which the State would have been entitled if every delegate had been present from every district in the State :

*Instantaneous, universal, uncompensated, unconditional emancipation of slaves !*

*It prohibited forever the recognition of property in man !*

*It decreed the education of all children, without distinction of race or color !*

*It directs all men, white or black, to be enrolled as soldiers for the public defence !*

*It makes all men equal before the law !*

*It compels, by its regenerating spirit, the ultimate recognition of all the rights which National authority can confer upon an oppressed race !*

*It wisely recognizes for the first time in constitutional history the interests of daily labor as an element of power entitled to the protection of the State !*

*It has been ratified by the People!*

"SUCH IS THE FREE CONSTITUTION AND GOVERNMENT OF LOUISIANA?"

It has been said that the men of the Convention were unknown, unlettered men, unaccustomed to legislative for and deficient in Parliamentary courtesies. It is not impossible. But they add other names to the record of men whose achievements were more than commensurate with their opportunities. They are types of the "fiery souls that make low names honorable."

It has surprised me over much that Mr. Davis should be alarmed by the possible influence of military officers in Louisiana. He cannot have forgotten the course of events in Maryland—the arrest and imprisonment of the chief of police and of the police commissioners; the substitution of an honorable army officer, Col. Kenly, in place of these officers, and his appointment of five hundred policemen instead of the armed and desperate men who controlled the city and State. He cannot have forgotten the arrest and imprisonment of members of the Legislature at Baltimore, nor the forcible dispersion of the two Houses, and subsequent arrest and imprisonment of disloyal officers and members of the city of Frederick, by troops sent there for that purpose. He cannot shut his eyes to the effect that such events have had upon the politics of the State, or the color they have given to its present opinions, or that the representatives of the people now in office, in whatever capacity, owe, in an eminent degree, their commissions to the pregnant influence of these events! Yet the State of Maryland had not seceded. The people were undoubtedly loyal, as subsequent history has proven. Members of the Legislature disavowed intention of secession. Every officer in the State was the elect of the electors. On the record, at least, they did not seem to be in serious danger from indictment or trial. The fidelity of the Governor was heroism itself. The war does not exhibit a nobler spirit than that manifested by Governor Hicks! And yet—with exception of the Governor—these men were swept "with barefaced power" from the public sight!

The part I bore in these transactions, forbids me to question their expediency. I accepted the service, and I justified the act. There was never a more necessary duty performed by any officer of any government. Mr. Davis was not without information of some of these events. That I know. Neither did he hesitate to approve the avowed principles upon which they were conducted. Why, then, should the President be condemned in Louisiana, and not in Maryland? Or is he to be condemned both in Louisiana and Maryland? Pardon me! Nothing has occurred in Louisiana that brings the affairs of Maryland within the range of comparison! The President found here no State officers in power. Wholesale arrests of public officers have not been made. Private individuals, chiefly, felt the power of the Government. The full front of his official acts, shows only that he has offered to the whole population, upon conditions satisfactory to them, and which will answer all the demands that the civilized world can make, an opportunity to establish a government of their own, in harmony with the spirit of the age, offering indemnity for the past and perfect security for the future.

The restoration of Louisiana to the Union upon such a basis is an event not second to any that has occurred in this war. It will lift more and weightier doubts from enlightened minds at home and abroad than any single success in arms. The chances of war are proverbial, the results of administration certain. No reasonable doubt of the military superiority of the United States over the rebels ever existed. The final result was never doubted. But how rebel States are to return is a problem that has oppressed the minds of men with a weight as universal and insoluble as the

atmosphere. The satisfactory restoration of one State will settle more and weightier doubts than the naked fall of Atlanta and Richmond together!

See what the President has done in Maryland! Mark what he has accomplished in Louisiana! *Moustrat viam.* She lights the way!

The criticism upon the appointment of Gov. Hahn, which is said to make him dictator of Louisiana, is unworthy the care apparently bestowed upon it. Gov. Hahn was designated by the people at a formal free election, after an animated canvass, as the man they wished for Governor. The President then designated him as the military Governor. This appointment does not enlarge, but diminishes his power. It makes him subordinate to superior military authority.

A military Governor is invested with authority to perform civil duties. In the absence of such appointment by the President, it could be made by the commander of a division or department. Inasmuch as the office is not created by law, but results from established military usage, as in the case of a military or provost judge, the confirmation by the Senate is not indispensable. It is the order of the commander-in-chief acting in a military capacity, and therefore the "counter-signature of the Secretary of State" is unnecessary and inappropriate.

It is unjust to charge upon the President alone a desire for the early organization of a State Government in Louisiana. Before any step was taken by me in this direction, I caused a full statement of my purpose and my plan to be laid before Mr. Chase, then Secretary of the Treasury, exactly as they were afterwards executed, and received from him an unqualified approval both of the objects and the measures, accompanied by an earnest wish that the experiment might be made without delay, not even waiting a formal approval by the President!

The statement embodied in the manifesto, upon the authority of some gentleman here, that an officer of my staff had reported the opinion of a senator, that the bill would fall between the Houses, or fail to reach the President in time for his signature, is without substantial foundation. No officer, or other person connected with me, officially or personally, has been in correspondence with any person in Washington, or received information, direct or indirect, upon this subject. Notwithstanding the high respect entertained for the decisions of all branches of the Government, this subject had never excited general interest here, because it was believed that Congress would establish no conditions with which the State would not gladly comply.

Louisiana can as well defend herself as any of the Middle or Atlantic States, or the broader States of the North or West. Not one of them is secure against the assaults of a public enemy without the assistance of her sister States. Louisiana is no more "a shadow;" no more "the creature" of executive will; no more "dependent upon the army of the United States," than the first and best or all of these States.

Congress has never formally declared, as stated, that the Government of Louisiana "shall not be recognized;" nor have "her Senators or Representatives been repelled by formal vote." Neither Government, Senators nor Representatives have yet asked of Congress recognition or admission.

It is said "Gen. Banks candidly declared that the fundamental law of the State was martial law." This is not a full nor an exact citation. Though it may answer the purpose intended, it does not furnish a sound basis for legislation.

The declaration in my proclamation was this: "Martial law is the fundamental law of the State. It is competent and just for the Government to surrender to the people at the earliest possible moment so much of military power as may be consistent with the success of military operation; to prepare the way by prompt and wise



measures, for the full restoration of the State to the Union and its power to the people to restore their ancient and unsurpassed prosperity; to enlarge the scope of agricultural and commercial industry and to extend and confirm the dominion of rational liberty."

The Government accompanied the „declaration“ cited, with the “surrender” proposed. It was accepted by the people.

The Government did not control or assist them. It *suffered* an election to take place. The people have not had the positive favor of public officers, civil or military. What has been done is to be credited to their good sense and their loyalty, acting under the permission of the Government!

It is perhaps deeply to be “regretted that the beneficent provisions of the bill for civil administration of the laws of this State should have been annulled by the President.” “People will die and marry, and transfer property, and buy and sell,” &c. “The President has deprived them of the protection of this law,” it is said. But the disaster is not as great as the authors of the address imagine. Most of those necessary “things” will still be done in the old way. It is even doubtful to what extent the wisest legislation of Congress would improve creole custom in such cases.

That the office of military Governor has fallen upon Michael Hahn is cause of gratitude rather than of sorrow. He belongs to the people of the State. Throughout the war he has steadily and stoutly adhered to the Government. He occupies a front seat among the opponents of slavery and the friends of free labor. Singleness of purpose and simplicity of manner open the beaten path of friendship for him to all classes with magic power. He unites in himself the varied qualities of the cosmopolitan population of Louisiana. Americans, Creoles, Irishmen and Germans recognize in him a brother. To every race he speaks its mother tongue. Every officer of the army will tell you, that with strong political affinities and warm popular sympathies, and in position much dependent upon public favor, Governor Hahn never presented a claim nor asked a favor inconsistent with his honor or the interests of his country. They are patriots of whom this can be said. It was a fortunate day when the President made him “Dictator of Louisiana.” Better States might well seek

“A despot of his kind!  
Such chains as his are sure to bind!”

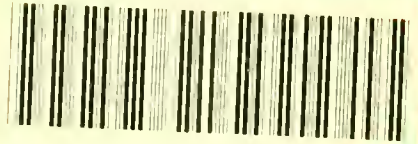
Accept assurances of my consideration.

N. P. BANKS,  
Major General Commanding.





LIBRARY OF CONGRESS



0 013 760 153 9





LIBRARY OF CONGRESS



0 013 760 153 9